

AN ACT

relating to the continuation and functions of the Texas Workforce Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 132, Education Code, is amended by adding Section 132.025 to read as follows:

Sec. 132.025. REQUIRED POSTING. To facilitate a prospective student's informed selection among career schools and colleges, the commission shall include in its searchable directory of career schools and colleges maintained on its Internet website information regarding any formal enforcement action taken by the commission against a school or college, including:

(1) any revocation of the school's or college's certificate of authority;

(2) any assessment of administrative penalties against the school or college; and

(3) any suspension of admission of students to the school or college.

SECTION 2. Section 1001.104, Education Code, is amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES.

(a) The agency shall enter into a memorandum of understanding with the state agency responsible for administering the vocational rehabilitation program under Subtitle C, Title 4, Labor Code,

1 [~~Texas Rehabilitation Commission~~] and the department for the
2 interagency development of curricula and licensing criteria for
3 hospital and rehabilitation facilities that teach driver
4 education.

5 (b) The agency shall administer comprehensive rules
6 governing driver education courses adopted by mutual agreement
7 among the agency, the state agency responsible for administering
8 the vocational rehabilitation program under Subtitle C, Title 4,
9 Labor Code [~~Texas Rehabilitation Commission~~], and the department.

10 SECTION 3. The heading to Section 411.104, Government Code,
11 is amended to read as follows:

12 Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE
14 POSITIONS.

15 SECTION 4. Effective September 1, 2016, Subchapter F,
16 Chapter 411, Government Code, is amended by adding Section 411.1041
17 to read as follows:

18 Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL
20 REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce
21 Commission, in connection with the administration of vocational
22 rehabilitation services and other services and programs under
23 Subtitle C, Title 4, Labor Code, is entitled to obtain from the
24 department criminal history record information maintained by the
25 department that relates to a person who is:

26 (1) an applicant selected for employment with the
27 commission whose potential duties include direct contact with

1 clients to provide those services;

2 (2) an applicant for those services from the
3 commission; or

4 (3) a client receiving those services from the
5 commission.

6 (b) Criminal history record information obtained by the
7 commission under Subsection (a) may not be released or disclosed to
8 any person except on court order or with the written consent of the
9 person who is the subject of the criminal history record
10 information.

11 SECTION 5. Section 2308.3155(b), Government Code, is
12 amended to read as follows:

13 (b) The commission shall adopt rules to administer the Texas
14 Rising Star Program, including:

15 (1) guidelines for rating a child-care provider who
16 provides child care to a child younger than 13 years of age,
17 including infants and toddlers, enrolled in the subsidized program;
18 and

19 (2) a timeline and process for regularly reviewing and
20 updating the quality standards used to determine the rating system
21 that includes the commission's consideration of input from
22 interested parties regarding those standards.

23 SECTION 6. Effective September 1, 2016, Subchapter C,
24 Chapter 91, Human Resources Code, is amended by adding Section
25 91.0211 to read as follows:

26 Sec. 91.0211. SERVICE DELIVERY BY TEXAS WORKFORCE
27 COMMISSION. The Texas Workforce Commission has primary

1 responsibility for providing vocational rehabilitation services
2 and other services and programs under Subtitle C, Title 4, Labor
3 Code, notwithstanding Section 91.021(a) and subject to receipt of
4 any required federal approval to administer those services and
5 programs. A power or duty under this chapter, including rulemaking
6 authority, of the department, the commissioner, or the executive
7 commissioner that is applicable to those services or programs is a
8 power or duty of the Texas Workforce Commission with respect to
9 those services or programs.

10 SECTION 7. Effective September 1, 2016, Subchapter C,
11 Chapter 111, Human Resources Code, is amended by adding Section
12 111.0511 to read as follows:

13 Sec. 111.0511. SERVICE DELIVERY BY TEXAS WORKFORCE
14 COMMISSION. The Texas Workforce Commission has primary
15 responsibility for providing vocational rehabilitation services
16 and other services and programs under Subtitle C, Title 4, Labor
17 Code, notwithstanding Section 111.051 and subject to receipt of any
18 required federal approval to administer those services and
19 programs. A power or duty under this chapter, including rulemaking
20 authority, of the department, the commissioner, or the executive
21 commissioner that is applicable to those services or programs is a
22 power or duty of the Texas Workforce Commission with respect to
23 those services or programs. All other state agencies engaged in
24 vocational rehabilitation services or related services or programs
25 shall coordinate those activities with the Texas Workforce
26 Commission.

27 SECTION 8. Effective September 1, 2016, Subchapter D,

1 Chapter 117, Human Resources Code, is amended by adding Section
2 117.0713 to read as follows:

3 Sec. 117.0713. SERVICE DELIVERY BY TEXAS WORKFORCE
4 COMMISSION. The Texas Workforce Commission has primary
5 responsibility for providing vocational rehabilitation services
6 and other services and programs under Subtitle C, Title 4, Labor
7 Code, notwithstanding Section 117.071 and subject to receipt of any
8 required federal approval to administer those services and
9 programs. A power or duty under this chapter, including rulemaking
10 authority, of the department, the commissioner, or the executive
11 commissioner that is applicable to those services or programs is a
12 power or duty of the Texas Workforce Commission with respect to
13 those services or programs.

14 SECTION 9. Section 21.0015, Labor Code, is amended to read
15 as follows:

16 Sec. 21.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
17 ~~DIVISION~~]. The powers and duties exercised by the Commission on
18 Human Rights under this chapter are transferred to the Texas
19 Workforce Commission [~~civil rights division~~]. A reference in this
20 chapter to the "commission" means the Texas Workforce Commission
21 [~~civil rights division~~].

22 SECTION 10. Section 21.206, Labor Code, is amended to read
23 as follows:

24 Sec. 21.206. DETERMINATION OF REASONABLE CAUSE; REVIEW BY
25 COMMISSION [~~PANEL~~]. (a) If after investigation the executive
26 director or the executive director's designee determines that there
27 is reasonable cause to believe that the respondent engaged in an

1 unlawful employment practice as alleged in a complaint, the
2 executive director or the executive director's designee shall
3 review with the commission members [~~a panel of three commissioners~~]
4 the evidence in the record.

5 (b) If after the review at least two of the three commission
6 members [~~commissioners~~] determine that there is reasonable cause to
7 believe that the respondent engaged in an unlawful employment
8 practice, the executive director shall:

9 (1) issue a written determination incorporating the
10 executive director's finding that the evidence supports the
11 complaint; and

12 (2) serve a copy of the determination on the
13 complainant, the respondent, and other agencies as required by law.

14 SECTION 11. Section 21.453, Labor Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

17 (a) Except as provided by Subsection (a-1), the [~~The~~]
18 commission shall review the personnel policies and procedures of
19 each state agency on a six-year cycle to determine whether the
20 policies and procedures comply with this chapter.

21 (a-1) The commission by rule shall develop risk-assessment
22 criteria for determining the circumstances under which the
23 commission may conduct a review of the personnel policies and
24 procedures of a state agency more frequently than required by
25 Subsection (a). The risk-assessment criteria must include:

26 (1) data on complaints against a state agency;

27 (2) previous review findings; and

1 (3) any other related information collected and
2 maintained by the commission.

3 SECTION 12. Section 21.455, Labor Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) Annually, the commission shall:

6 (1) review the reimbursements received by the
7 commission under this section to ensure that the commission
8 recovers the expenses described by Subsection (a); and

9 (2) adjust the reimbursement rate if, as a result of
10 the most recent annual review, the commission determines that the
11 reimbursement rate is higher or lower than the rate required to
12 recover those expenses.

13 SECTION 13. Subchapter A, Chapter 61, Labor Code, is
14 amended by adding Section 61.006 to read as follows:

15 Sec. 61.006. NOTICE LANGUAGES. The commission shall:

16 (1) make available any notice the commission is
17 required to provide to an employee under this chapter in the two
18 languages that are most commonly spoken in this state; and

19 (2) ensure that employees are notified of an
20 employee's ability to request from the commission notice in either
21 language described by Subdivision (1).

22 SECTION 14. Section 61.051, Labor Code, is amended by
23 adding Subsection (e) to read as follows:

24 (e) The commission shall ensure that employees are notified
25 of an employee's ability to request from the commission a wage claim
26 form in either language described by Section 61.006.

27 SECTION 15. Chapter 214, Labor Code, is amended by adding

1 Section 214.009 to read as follows:

2 Sec. 214.009. RECOVERY OF COVERED UNEMPLOYMENT
3 COMPENSATION DEBT THROUGH FEDERAL TREASURY OFFSET PROGRAM. (a) In
4 this section, "program" means the federal Treasury Offset Program
5 authorized by 26 U.S.C. Section 6402(f).

6 (b) The commission may collect the following covered
7 unemployment compensation debt through the program:

8 (1) a past-due debt for erroneous payment of benefits
9 due to fraud that has become final under law and remains
10 uncollected;

11 (2) a past-due debt for erroneous payment of benefits
12 due to a person's failure to report earnings, even if
13 non-fraudulent, that has become final under law and remains
14 uncollected;

15 (3) a past-due employer contribution owed to the
16 compensation fund for which the commission has determined the
17 person to be liable and that remains uncollected; and

18 (4) any penalties and interest assessed by the
19 commission on a debt described by Subdivision (1), (2), or (3).

20 (c) Before submitting covered unemployment compensation
21 debt for recovery under the program, the commission must:

22 (1) notify the debtor by regular United States mail
23 that the commission plans to recover the debt through the offset of
24 any federal tax refund;

25 (2) provide the debtor at least 60 days following the
26 date the notice is provided under Subdivision (1) to present to the
27 commission evidence that all or part of the debt is not:

- 1 (A) legally enforceable;
- 2 (B) due to fraud or unreported earnings; or
- 3 (C) a contribution owed to the compensation fund;

4 and

5 (3) consider any evidence presented by the debtor to
6 determine the amount of debt that is legally enforceable and owed.

7 (d) In considering evidence presented by a debtor under
8 Subsection (c), the commission may determine only whether the
9 debtor has demonstrated that the debt is not subject to recovery
10 through the program so that the commission is able to minimize
11 erroneous offsets. The commission may not review the initial
12 determination establishing the debtor's liability.

13 (e) The commission shall assess against the debtor the cost
14 of any administrative fee charged by the United States Department
15 of the Treasury for each offset. The commission may add the
16 assessed amount to the covered unemployment compensation debt that
17 is offset under the program.

18 SECTION 16. Section 301.006(b), Labor Code, is amended to
19 read as follows:

20 (b) Notwithstanding Subsection (a), the member of the
21 commission who represents the public shall serve as chair:

22 (1) when the commission acts under:

- 23 (A) Chapter 21;
- 24 (B) Subchapter D, Chapter 61; ~~or~~
- 25 (C) ~~(B)~~ Subchapter D, Chapter 212; or
- 26 (D) Chapter 301, Property Code; and

27 (2) in commission hearings involving unemployment

1 insurance issues regarding tax coverage, contributions, or
2 reimbursements.

3 SECTION 17. Section 301.008, Labor Code, is amended to read
4 as follows:

5 Sec. 301.008. APPLICATION OF SUNSET ACT. The Texas
6 Workforce Commission is subject to Chapter 325, Government Code
7 (Texas Sunset Act). Unless continued in existence as provided by
8 that chapter, the commission is abolished September 1, 2027 [~~2015~~].

9 SECTION 18. Section 301.009(a), Labor Code, is amended to
10 read as follows:

11 (a) The commission shall have:

- 12 (1) a division of workforce development; [~~and~~]
13 (2) a division of unemployment compensation; and
14 (3) a civil rights division.

15 SECTION 19. Effective September 1, 2016, Subchapter D,
16 Chapter 301, Labor Code, is amended by adding Section 301.0675 to
17 read as follows:

18 Sec. 301.0675. VOCATIONAL REHABILITATION AND CERTAIN OTHER
19 SERVICES FOR PERSONS WITH DISABILITIES. Subject to federal
20 approval, if required, to administer vocational rehabilitation
21 services and other services and programs to persons with
22 disabilities under Subtitle C, Title 4, the commission has primary
23 responsibility for providing those services and programs.

24 SECTION 20. Section 301.153, Labor Code, is amended to read
25 as follows:

26 Sec. 301.153. GOVERNANCE; AUTHORITY [~~HUMAN RIGHTS~~
27 ~~COMMISSION~~]. (a) [~~The division is governed by the human rights~~

1 ~~commission, which consists of seven members as follows:~~

2 ~~[(1) one member who represents industry;~~

3 ~~[(2) one member who represents labor; and~~

4 ~~[(3) five members who represent the public.~~

5 ~~[(b) The members of the human rights commission established~~
6 ~~under this section shall be appointed by the governor. In making~~
7 ~~appointments to the human rights commission, the governor shall~~
8 ~~strive to achieve representation on the human rights commission~~
9 ~~that is diverse with respect to disability, religion, age, economic~~
10 ~~status, sex, race, and ethnicity.~~

11 ~~[(c) The term of office of each commissioner is six years.~~
12 ~~The governor shall designate one commissioner to serve as presiding~~
13 ~~officer.~~

14 ~~[(d) A commissioner is entitled to reimbursement of actual~~
15 ~~and necessary expenses incurred in the performance of official~~
16 ~~duties.~~

17 ~~[(e)]~~ The ~~[human rights]~~ commission shall establish
18 policies for the division and the executive director shall
19 supervise the director in administering the activities of the
20 division.

21 (b) ~~[(f)]~~ The ~~[human rights]~~ commission is the state
22 authority established as a fair employment practice agency and is
23 authorized, with respect to an unlawful employment practice, to:

24 (1) grant relief from the practice;

25 (2) seek relief from the practice; or

26 (3) institute criminal proceedings.

27 (c) The commission shall administer Chapter 21 of this code

1 and Chapter 301, Property Code, including the powers and duties
2 formerly exercised by the former Commission on Human Rights under
3 those laws.

4 (d) A reference in Chapter 21 of this code, Chapter 301,
5 Property Code, or any other law to the former Commission on Human
6 Rights means the commission.

7 SECTION 21. Section 301.154(a), Labor Code, is amended to
8 read as follows:

9 (a) The director shall be appointed by the executive
10 director [~~human rights commission~~] to administer the powers and
11 duties of the division.

12 SECTION 22. Subchapter I, Chapter 301, Labor Code, is
13 amended by adding Section 301.157 to read as follows:

14 Sec. 301.157. ANALYSIS OF STATE AGENCY DISCRIMINATION
15 COMPLAINTS; REPORT. (a) Each state fiscal year, the division
16 shall collect and analyze information regarding employment
17 discrimination complaints, other than complaints determined to be
18 without merit, filed with the division against a state agency. The
19 information must include:

20 (1) an analysis of the complaints, both by number and
21 by type; and

22 (2) key findings or trends the division identifies
23 during the division's review of state agency personnel policies and
24 procedures under Section 21.453.

25 (b) The commission shall include the results of the
26 division's analysis under this section in the commission's annual
27 report to the governor and the legislature. The division shall

1 exclude from the report any identifying information of a
2 complainant or a state agency complaint as necessary to maintain
3 confidentiality required by the commission's contract with the
4 federal Equal Employment Opportunity Commission or by other law.

5 SECTION 23. Section 302.0043(f), Labor Code, is amended to
6 read as follows:

7 (f) Not later than January 15 of each odd-numbered year, the
8 commission shall report to the legislature regarding the
9 commission's findings regarding the effectiveness of the
10 commission's child care program. The report must:

11 (1) include employment outcome information,
12 disaggregated by local workforce development area, regarding
13 parents receiving subsidized care under the program; and

14 (2) identify multiyear trends in the information
15 collected and analyzed by the commission under this section,
16 including trends in the information for at least the five state
17 fiscal years preceding the date of the report.

18 SECTION 24. Subchapter A, Chapter 302, Labor Code, is
19 amended by adding Section 302.00435 to read as follows:

20 Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT
21 POLICY. The commission shall develop a policy for obtaining,
22 through appropriate methods, input from interested parties
23 regarding its subsidized child care program and for using that
24 input in administering that program.

25 SECTION 25. Title 4, Labor Code, is amended by adding
26 Subtitle C to read as follows:

1 SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES

2 FOR PERSONS WITH DISABILITIES

3 CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR

4 ADMINISTRATION OF SERVICES

5 Sec. 351.001. DEFINITIONS. In this subtitle:

6 (1) "Department" means the Department of Assistive and
7 Rehabilitative Services.

8 (2) "Executive commissioner" means the executive
9 commissioner of the Health and Human Services Commission.

10 Sec. 351.002. RESPONSIBILITY FOR ADMINISTRATION OF
11 SERVICES AND PROGRAMS. (a) Notwithstanding any other provision of
12 this subtitle, the department shall administer the services and
13 programs under this subtitle until September 1, 2016. On that date,
14 the department shall cease administering the services and programs
15 and the commission shall begin administering the services and
16 programs, subject to receipt of any required federal approval.

17 (b) The department or commission, as appropriate, shall
18 seek federal approval, if required:

19 (1) for the commission, beginning on September 1,
20 2016, to administer the following services and programs under this
21 subtitle that the department operated before that date under the
22 federal Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through
23 751):

24 (A) the vocational rehabilitation program for
25 individuals with visual impairments;

26 (B) the vocational rehabilitation program for
27 individuals with other disabilities;

1 (C) the Independent Living Services Program for
2 older individuals who are blind; and

3 (D) the Criss Cole Rehabilitation Center;

4 (2) for the commission, beginning on September 1,
5 2016, to administer the program for vending facilities operated by
6 blind persons under Chapter 355, including the Business Enterprises
7 Program under the Randolph-Sheppard Act (20 U.S.C. Section 107 et
8 seq.), that the department operated before that date; and

9 (3) to designate within the commission the state unit
10 under 29 U.S.C. Section 721 that is responsible for administering
11 the state's vocational rehabilitation program.

12 (c) The Rehabilitation Council of Texas transfers to the
13 commission on September 1, 2016.

14 (d) Subsections (b) and (c) and this subsection expire
15 September 1, 2019.

16 Sec. 351.003. DESIGNATED STATE UNIT FOR VOCATIONAL
17 REHABILITATION SERVICES. In accordance with the requirements of
18 the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et
19 seq.), the commission shall establish a designated state unit
20 within the commission that:

21 (1) is an organizational unit designated to be
22 primarily responsible for and concerned with vocational
23 rehabilitation of individuals with disabilities;

24 (2) has a full-time director;

25 (3) has a staff employed on the rehabilitation work of
26 the organizational unit, all or substantially all of whom are
27 employed full-time on such work; and

1 (4) is located at an organizational level and has an
2 organizational status within the commission comparable to that of
3 other major organizational units of the commission.

4 Sec. 351.004. INTEGRATION OF VOCATIONAL REHABILITATION
5 PROGRAMS; PROGRAM STAFF. (a) Not later than August 31, 2018, the
6 commission shall integrate the vocational rehabilitation staff
7 from department offices into the commission's local workforce
8 development boards and centers.

9 (b) This section expires September 1, 2019.

10 Sec. 351.005. MEANING OF CERTAIN REFERENCES IN LAW. Until
11 the administration of this subtitle is transferred from the
12 department to the commission, a reference to the commission or the
13 executive director in this subtitle means the department,
14 commissioner of assistive and rehabilitative services, or
15 executive commissioner, as applicable.

16 CHAPTER 352. VOCATIONAL REHABILITATION SERVICES

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 352.001. DEFINITIONS. In this chapter:

19 (1) "Direct services" means services provided to a
20 client by a commission employee, including counseling,
21 facilitating the purchase of services from a source other than the
22 commission, and purchasing equipment and other items and providing
23 other services necessary for the client to successfully complete a
24 commission program.

25 (2) "Direct services program" means a program operated
26 by the commission through which direct services are provided.

27 (3) "Individual with a disability" means an individual

1 who has a physical impairment, including a visual impairment, or
2 mental impairment that constitutes a substantial impediment to
3 employment, but that is of a nature that rehabilitation services
4 may be expected to enable the individual to engage in a gainful
5 occupation.

6 (4) "Maintenance" means money payments not exceeding
7 the estimated cost of subsistence during vocational
8 rehabilitation.

9 (5) "Occupational license" means a license, permit, or
10 other written authorization required by a governmental entity as a
11 condition for engaging in an occupation.

12 (6) "Physical restoration" means medical, surgical,
13 or therapeutic treatment necessary to correct or substantially
14 reduce a substantial impediment to employment of an individual with
15 a disability within a reasonable period of time. The term includes
16 medical, surgical, dental, and psychiatric treatment, nursing
17 services, hospital care, convalescent home care, drugs, medical and
18 surgical supplies, and prosthetic appliances. The term excludes
19 treatment to cure acute or transitory conditions.

20 (7) "Prosthetic appliance" means an artificial device
21 necessary to support or replace a part of the body or to increase
22 the acuity of a sensory organ.

23 (8) "Rehabilitation training" means all necessary
24 training provided to an individual with a disability to compensate
25 for a substantial impediment to employment. The term includes
26 manual, preconditioning, prevocational, vocational, and
27 supplementary training and training to achieve broader and more

1 lucrative skills and capacities.

2 (9) "Substantial impediment to employment" means a
3 physical or mental condition that obstructs or impairs, or if not
4 corrected will probably obstruct or impair, an individual's
5 performance in an occupation.

6 (10) "Vocational rehabilitation" or "vocational
7 rehabilitation services" means services that are provided directly
8 by the commission or through a public or private agency and that the
9 commission determines are necessary to compensate an individual
10 with a disability for a substantial impediment to employment so
11 that the individual may engage in a remunerative occupation. The
12 terms include:

- 13 (A) medical and vocational diagnosis;
14 (B) vocational guidance, counseling, and
15 placement;
16 (C) rehabilitation training;
17 (D) physical restoration;
18 (E) transportation;
19 (F) occupational licenses;
20 (G) customary occupational tools and equipment;
21 (H) maintenance;
22 (I) training books and materials; and
23 (J) other goods and services for which the
24 commission receives financial support under federal law.

25 Sec. 352.002. PURPOSE. It is the policy of this state to
26 provide vocational rehabilitation services to eligible individuals
27 with disabilities so that those individuals may prepare for and

1 engage in a gainful occupation.

2 Sec. 352.003. REHABILITATION COUNCIL OF TEXAS. (a) The
3 Rehabilitation Council of Texas operates in accordance with the
4 federal Rehabilitation Act Amendments of 1992, Pub. L. No. 102-569,
5 and the federal Rehabilitation Act Amendments of 1998, Pub. L. No.
6 105-220.

7 (b) The Rehabilitation Council of Texas shall report to and
8 advise the commission on the council's activities and the results
9 of the council's work. For the purpose of performing its advisory
10 functions, the council shall work with the commission, the
11 executive director, and other commission staff.

12 (c) The commission shall adopt rules for the administration
13 of the council.

14 Sec. 352.004. RECEIPT AND DISBURSEMENT OF STATE AND FEDERAL
15 FUNDS. (a) The comptroller is custodian of federal funds received
16 by the state to implement federal law relating to vocational
17 rehabilitation.

18 (b) The commission shall certify for disbursement funds
19 available for the vocational rehabilitation program in accordance
20 with regulations.

21 (c) The comptroller shall disburse state and federal
22 vocational rehabilitation funds on certification by the
23 commission.

24 Sec. 352.005. GIFTS, DONATIONS, AND OTHER MONEY. (a) The
25 commission shall deposit all money paid to the commission under
26 this chapter in the state treasury. The money may be used only for
27 the administration of this chapter.

1 (b) The commission may receive and use gifts and donations
2 for carrying out the purposes of this chapter. A person may not
3 receive payment for solicitation of any funds.

4 Sec. 352.006. MISUSE OF INFORMATION. Except for purposes
5 directly connected with the administration of the vocational
6 rehabilitation program and according to commission rules, no person
7 may solicit, disclose, receive, use, or knowingly permit the use of
8 records or other information concerning an applicant for or
9 recipient of vocational rehabilitation services that is directly or
10 indirectly acquired by an officer or employee of the state or its
11 political subdivisions in the course of the person's official
12 duties.

13 Sec. 352.007. CRIMINAL HISTORY RECORD INFORMATION.

14 (a) The commission may obtain criminal history record information
15 from the Texas Department of Criminal Justice and the Texas
16 Department of Public Safety if the criminal history records relate
17 to:

18 (1) an applicant selected for employment with the
19 commission whose potential duties include direct contact with
20 clients to provide vocational rehabilitation services or other
21 services under this subtitle;

22 (2) an applicant for vocational rehabilitation
23 services or other services under this subtitle from the commission;
24 or

25 (3) a client receiving vocational rehabilitation
26 services or other services under this subtitle.

27 (b) The Texas Department of Criminal Justice and the Texas

1 Department of Public Safety on request shall supply to the
2 commission criminal history record information relating to
3 applicants selected for employment with the commission whose
4 potential duties include direct contact with clients to provide
5 vocational rehabilitation services, applicants for vocational
6 rehabilitation services from the commission, or vocational
7 rehabilitation clients of the commission. The commission shall
8 treat all criminal history record information as privileged and
9 confidential and for commission use only.

10 (c) The commission by rule shall establish criteria for
11 denying a person's application for employment with the commission
12 to provide vocational rehabilitation services based on criminal
13 history record information obtained as authorized by this section.

14 Sec. 352.008. HEARINGS. An applicant for or recipient of
15 vocational rehabilitation services who is aggrieved by an action or
16 inaction under this chapter is entitled to a hearing by the
17 commission in accordance with law.

18 SUBCHAPTER B. GENERAL POWERS AND DUTIES

19 Sec. 352.051. VOCATIONAL REHABILITATION PROGRAM FOR
20 INDIVIDUALS WITH DISABILITIES. (a) The commission shall conduct a
21 program to provide vocational rehabilitation services to eligible
22 individuals with disabilities.

23 (b) To achieve the purposes of the program, the commission
24 may:

25 (1) cooperate with other public and private agencies
26 in studying the problems involved in providing vocational
27 rehabilitation and in establishing, developing, and providing

1 necessary or desirable facilities and services;

2 (2) enter into reciprocal agreements with other states
3 to provide vocational rehabilitation for the residents of the
4 states concerned; and

5 (3) conduct research and compile statistics relating
6 to the vocational rehabilitation of individuals with disabilities.

7 Sec. 352.052. COOPERATION WITH FEDERAL GOVERNMENT;
8 OBTAINING FEDERAL FUNDS. (a) The commission shall cooperate with
9 the federal government to accomplish the purposes of federal laws
10 relating to vocational rehabilitation for individuals with
11 disabilities and closely related activities.

12 (b) The commission shall negotiate agreements or plans with
13 the federal government and shall use efficient methods of
14 administration and comply with other conditions required to secure
15 the full benefits of the federal laws. If the commission determines
16 that a provision of state law precludes conformity with a federal
17 requirement and limits federal financial support, the commission
18 may waive or modify the state law to the extent necessary to obtain
19 the full benefits of the federal law.

20 (c) The commission may comply with any requirements
21 necessary to obtain federal funds to be used for vocational
22 rehabilitation services in the maximum amount and most advantageous
23 proportion possible.

24 Sec. 352.053. CONTRACTS FOR SERVICE. (a) The commission
25 shall include in its contracts with service providers under this
26 chapter provisions relating to:

27 (1) clearly defined and measurable program

1 performance standards that directly relate to the service provided;

2 (2) clearly defined penalties for nonperformance of a
3 contract term; and

4 (3) clearly specified accounting, reporting, and
5 auditing requirements applicable to money received under the
6 contract.

7 (b) The commission shall monitor a service provider's
8 performance under a contract for service under this chapter. In
9 monitoring performance, the commission shall:

10 (1) use a risk-assessment methodology to institute
11 statewide monitoring of contract compliance of service providers;
12 and

13 (2) evaluate service providers based on clearly
14 defined and measurable program performance objectives.

15 Sec. 352.054. RATES FOR MEDICAL SERVICES. (a) The
16 commission by rule shall adopt standards governing the
17 determination of rates paid for medical services provided under
18 this chapter. The rules must provide for an annual reevaluation of
19 the rates.

20 (b) The commission shall establish a schedule of rates based
21 on the standards adopted under Subsection (a). In adopting the rate
22 schedule, the commission shall:

23 (1) compare the proposed rate schedule to other
24 cost-based and resource-based rates for medical services,
25 including rates paid under Medicaid and the Medicare program; and

26 (2) for any rate adopted that exceeds the Medicaid or
27 Medicare rate for the same or a similar service, document the

1 reasons why the adopted rate reflects consideration of the best
2 value, provider availability, and consumer choice.

3 (c) The commission shall provide notice to interested
4 persons and allow those persons to present comments before adopting
5 the standards and schedule of rates under Subsections (a) and (b).

6 Sec. 352.055. CONTRACT PAYMENT. The commission shall base
7 payment under a contract for vocational rehabilitation services on
8 outcome-based performance standards defined in the contract.

9 Sec. 352.056. CONTRACTS FOR ADAPTIVE TECHNOLOGY. The
10 commission shall include in a contract under this chapter with a
11 supplier of adaptive technology equipment provisions that require
12 the supplier to provide training for clients receiving the adaptive
13 technology equipment.

14 Sec. 352.057. LOANS FOR VISUAL AIDS. (a) The commission
15 may establish a program to make loans to finance the purchase of
16 technological aids for individuals with visual impairments.
17 Interest on the loans may not exceed 10 percent per year.

18 (b) The commission may adopt rules to administer the loan
19 program.

20 Sec. 352.058. SUBROGATION. (a) By providing a person
21 rehabilitation services, including medical care services, under
22 this subchapter, the commission is subrogated to the person's right
23 of recovery from:

24 (1) personal insurance;

25 (2) another person for personal injury caused by the
26 other person's negligence or wrongdoing; or

27 (3) any other source.

1 (b) The commission's right of subrogation is limited to the
2 cost of the services provided.

3 (c) The commission may totally or partially waive the
4 commission's right of subrogation when the commission finds that
5 enforcement would tend to defeat the purpose of rehabilitation.

6 (d) The commission may adopt rules for the enforcement of
7 the commission's right of subrogation.

8 Sec. 352.059. WORK INCENTIVES AND SUPPLEMENTAL SECURITY
9 INCOME (SSI). The commission shall employ a person at the
10 commission's central office to:

11 (1) train counselors to understand and use work
12 incentives; and

13 (2) review cases to ensure that commission clients are
14 informed of the availability of and assisted in obtaining work
15 incentives and Supplemental Security Income (SSI) (42 U.S.C.
16 Section 1381 et seq.).

17 SUBCHAPTER C. PROVISION OF AND ELIGIBILITY FOR VOCATIONAL
18 REHABILITATION SERVICES

19 Sec. 352.101. INTEGRATION OF VOCATIONAL REHABILITATION
20 PROGRAMS. (a) Not later than October 1, 2017, and subject to
21 federal approval, the commission shall integrate into a single
22 vocational rehabilitation program the following programs that are
23 operated under the federal Rehabilitation Act of 1973 (29 U.S.C.
24 Sections 720 through 751):

25 (1) the vocational rehabilitation program for
26 individuals with visual impairments; and

27 (2) the vocational rehabilitation program for

1 individuals with other disabilities.

2 (b) Not later than October 1, 2017, to facilitate the
3 integration of the vocational rehabilitation programs identified
4 in Subsection (a), the commission shall at a minimum:

5 (1) reorganize the commission's vocational
6 rehabilitation services in order to provide services based on an
7 individual's functional need instead of an individual's type of
8 disability;

9 (2) develop a plan to support specialization of
10 vocational rehabilitation counselors in serving different client
11 populations, including sufficient specialization in individuals
12 with visual impairments to maintain expertise in serving that
13 population;

14 (3) redesign performance measures for the provision of
15 vocational rehabilitation services;

16 (4) consolidate policies for the provision of
17 vocational rehabilitation services; and

18 (5) recommend the adoption of any rules necessary to
19 implement this section.

20 (c) This section expires September 1, 2019.

21 Sec. 352.102. ELIGIBILITY FOR VOCATIONAL REHABILITATION
22 SERVICES. The commission shall provide vocational rehabilitation
23 services to individuals with disabilities eligible for those
24 services under federal law.

25 Sec. 352.103. PROVISION OF VOCATIONAL REHABILITATION
26 SERVICES. (a) The commission by rule shall establish and maintain
27 guidelines for providing vocational rehabilitation services that

1 are consistent with state and federal laws and that include:

2 (1) a system of organization for the delivery of
3 vocational rehabilitation services statewide;

4 (2) eligibility requirements for vocational
5 rehabilitation services;

6 (3) requirements for the rehabilitation planning
7 process;

8 (4) the types of services that may be provided to a
9 client through a vocational rehabilitation program; and

10 (5) requirements for client participation in the costs
11 of vocational rehabilitation services, including documentation
12 that a client has sought benefits for which the client is eligible
13 from sources other than the commission and that may assist the
14 client in obtaining vocational rehabilitation goods or services.

15 (b) The commission shall annually assess the effectiveness
16 of the state's vocational rehabilitation program.

17 Sec. 352.104. TRAINING AND SUPERVISION OF COUNSELORS.

18 (a) The commission shall provide specific guidance to vocational
19 rehabilitation counselors in:

20 (1) selecting vocational objectives according to a
21 client's skills, experience, and knowledge;

22 (2) documenting a client's impediment to employment;

23 (3) selecting rehabilitation services that are
24 reasonable and necessary to achieve a client's vocational
25 objective;

26 (4) measuring client progress toward the vocational
27 objective, including the documented, periodic evaluation of the

1 client's rehabilitation and participation; and

2 (5) determining eligibility of employed and
3 unemployed applicants for rehabilitation services using criteria
4 defined by commission rule to document whether a client is
5 substantially underemployed or at risk of losing employment.

6 (b) The commission by rule shall require monitoring and
7 oversight of vocational rehabilitation counselor performance and
8 decision making in accordance with this section.

9 Sec. 352.105. SPECIALIZED TRAINING FOR CERTAIN EMPLOYEES.

10 (a) The commission shall establish and require employee
11 participation in a specialized training program for certain
12 employees, including vocational rehabilitation transition
13 specialists and transition counselors, whose duties involve
14 assisting youth with disabilities to transition to post-schooling
15 activities, services for adults, or community living.

16 (b) The training program must provide employees with
17 information regarding:

18 (1) supports and services available from health and
19 human services agencies, as defined by Section 531.001, Government
20 Code, for:

21 (A) youth with disabilities who are
22 transitioning into post-schooling activities, services for adults,
23 or community living; and

24 (B) adults with disabilities;

25 (2) community resources available to improve the
26 quality of life for:

27 (A) youth with disabilities who are

1 transitioning into post-schooling activities, services for adults,
2 or community living; and

3 (B) adults with disabilities; and

4 (3) other available resources that may remove
5 transitional barriers for youth with disabilities who are
6 transitioning into post-schooling activities, services for adults,
7 or community living.

8 (c) In developing the training program required by this
9 section, the commission shall collaborate with health and human
10 services agencies, as defined by Section 531.001, Government Code,
11 as necessary.

12 Sec. 352.106. PAYMENT OF SHIFT DIFFERENTIALS. The
13 commission by rule may develop and implement policies allowing
14 shift differentials to be paid to employees in the vocational
15 rehabilitation program under this chapter.

16 Sec. 352.107. CLIENT ORIENTATION MATERIALS. The commission
17 shall develop and distribute at intake client orientation materials
18 for the vocational rehabilitation program that include information
19 on the commission's decision-making criteria.

20 Sec. 352.108. COORDINATION WITH TEXAS EDUCATION AGENCY.
21 (a) For purposes of this section, "transition services" means
22 services provided to students with disabilities to assist the
23 students in making the transition from secondary school to
24 postsecondary education programs or competitive integrated
25 employment.

26 (b) The commission and the Texas Education Agency shall
27 collaborate to develop a mechanism to identify the areas of the

1 state with the greatest needs for transition services for students
2 with disabilities. The mechanism must account for the commission's
3 limited resources and a school district's needs, including:

4 (1) the school district's resources for special
5 education;

6 (2) the number of students with disabilities in the
7 school district; and

8 (3) other factors that the commission and the Texas
9 Education Agency consider important.

10 (c) The commission and the Texas Education Agency shall
11 update the mechanism developed under Subsection (b) on a periodic
12 basis.

13 (d) The commission shall develop uniform, statewide
14 policies for transition services that include:

15 (1) the goal that a transition counselor initiate
16 contact with a student approximately three years before the student
17 is expected to graduate from high school;

18 (2) the minimum level of services to be provided to a
19 student at the time that a transition counselor initiates contact
20 with the student;

21 (3) standards, based on the mechanism developed under
22 Subsection (b), for assigning a transition counselor to a school
23 that ensure consistency among regions but that are not too
24 restrictive;

25 (4) expectations for transition counselors to develop
26 relationships with school personnel, including the employee
27 designated to serve as the school district's designee on transition

1 and employment services under Section 29.011(b), Education Code;
2 and

3 (5) expectations for regional commission staff to work
4 with education service center representatives on a regular basis to
5 identify areas of greatest need and to discuss local strategies for
6 coordination between transition counselors and schools.

7 (e) The commission and the Texas Education Agency shall
8 enter into a memorandum of understanding to comply with the
9 policies under this section and to improve coordination between the
10 agencies. The memorandum of understanding must include:

11 (1) strategies to better inform transition clients,
12 clients' families, and school personnel regarding the commission's
13 available services and contact information for commission
14 transition counselors; and

15 (2) a process to be used by the commission and the
16 Texas Education Agency to develop and update the mechanism used to
17 identify students who may need services.

18 (f) On or after September 1, 2016, but not later than
19 September 1, 2017:

20 (1) the commission and the Texas Education Agency
21 shall develop the mechanism required in Subsection (b) and enter
22 into the memorandum of understanding required in Subsection (e);
23 and

24 (2) the commission shall develop the policies
25 described in Subsection (d).

26 (g) Subsection (f) and this subsection expire September 1,
27 2018.

1 SECTION 26. (a) Chapter 351, Labor Code, as added by this
2 Act, is amended by adding Sections 351.0021 and 351.0022 to read as
3 follows:

4 Sec. 351.0021. LEGISLATIVE OVERSIGHT COMMITTEE. (a) In
5 this section, "committee" means the Legislative Oversight
6 Committee established under this section.

7 (b) The Legislative Oversight Committee is created to
8 facilitate the transfer of vocational rehabilitation services and
9 other services and programs under this subtitle with, to the
10 greatest degree possible, no negative effect on the delivery of
11 services to clients.

12 (c) The committee is composed of 11 voting members, as
13 follows:

14 (1) four members of the senate, appointed by the
15 lieutenant governor;

16 (2) four members of the house of representatives,
17 appointed by the speaker of the house of representatives; and

18 (3) three members of the public, appointed by the
19 governor.

20 (d) The executive commissioner, the commissioner of
21 assistive and rehabilitative services, and the executive director
22 serve as ex officio, nonvoting members of the committee.

23 (e) A member of the committee serves at the pleasure of the
24 appointing official.

25 (f) The lieutenant governor and the speaker of the house of
26 representatives shall each designate a presiding co-chair from
27 among their respective appointments.

1 (g) A member of the committee may not receive compensation
2 for serving on the committee but is entitled to reimbursement for
3 travel expenses incurred by the member while conducting the
4 business of the committee as provided by the General Appropriations
5 Act.

6 (h) The committee shall:

7 (1) facilitate the transfer of vocational
8 rehabilitation services and other services and programs under this
9 subtitle with, to the greatest degree possible, no negative effect
10 on the delivery of services to clients;

11 (2) advise the executive director, the executive
12 commissioner, and the commissioner of assistive and rehabilitative
13 services concerning:

14 (A) the services and programs to be transferred
15 under this subtitle and the funds and obligations that are related
16 to the services and programs; and

17 (B) the transfer of the services and programs and
18 related records, property, funds, and obligations from the
19 department to the commission as provided by this subtitle; and

20 (3) meet at the call of either chair.

21 (i) Chapter 551, Government Code, applies to the committee.

22 (j) The committee shall submit a report to the governor,
23 lieutenant governor, speaker of the house of representatives, and
24 legislature not later than December 1 of each even-numbered year.
25 The report must include an update on the progress of and issues
26 related to the transfer of vocational rehabilitation services and
27 other services and programs under this subtitle from the department

1 to the commission, including the need for any additional statutory
2 changes required to complete the transfer of services and programs
3 to the commission in accordance with this subtitle.

4 (k) The committee is abolished August 31, 2019.

5 (l) This section expires September 1, 2019.

6 Sec. 351.0022. TRANSITION PLAN. (a) The transfer of
7 vocational rehabilitation services and other services and programs
8 under this subtitle must be accomplished in accordance with a
9 transition plan developed by the executive director, the
10 commissioner of assistive and rehabilitative services, and the
11 executive commissioner that ensures that the transfer and provision
12 of services and programs are accomplished in a careful and
13 deliberative manner. Specifically, the transition plan must
14 include:

15 (1) the specific steps and methods for the transfer or
16 disposition of all obligations, rights, contracts, leases,
17 records, property, and funds, including unexpended and unobligated
18 appropriations, relating to the services and programs transferred
19 from the department to the commission under this subtitle,
20 including the plans for leased office or building space and the
21 transition of data and information technology systems supporting
22 the services and programs;

23 (2) the identification of all full-time equivalent
24 employee positions that are associated with the department's
25 administration of the services and programs to be transferred to
26 the commission, including the full-time equivalent employee
27 positions that are associated with the Health and Human Services

1 Commission's administrative support of those transferring services
2 and programs;

3 (3) measures to ensure that unnecessary disruption to
4 the provision of transferred services and programs does not occur;

5 (4) a strategy for integrating the department's
6 vocational rehabilitation staff into the commission's local
7 workforce development boards and centers as required by Section
8 351.004;

9 (5) a strategy for integrating vocational
10 rehabilitation programs for individuals with visual impairments
11 and for individuals with other disabilities as required by Section
12 352.101;

13 (6) a schedule for implementing the transfer of the
14 services and programs; and

15 (7) a strategy for exchanging data with other state
16 agencies that refer clients for vocational rehabilitation
17 services.

18 (b) In developing the transition plan, the executive
19 director, the commissioner of assistive and rehabilitative
20 services, and the executive commissioner shall, before submitting
21 the plan to the Legislative Oversight Committee and the governor as
22 required by Subsection (d):

23 (1) hold public hearings in various geographic areas
24 in this state regarding the plan; and

25 (2) solicit and consider input from appropriate
26 stakeholders.

27 (c) To the extent allowed by federal law, public hearings

1 under Subsection (b) may be combined with other public hearings
2 required under federal law in relation to the adoption of a state
3 plan for vocational rehabilitation services.

4 (d) As soon as practicable after September 1, 2015, but not
5 later than March 1, 2016, the executive director, the commissioner
6 of assistive and rehabilitative services, and the executive
7 commissioner shall submit the transition plan to the Legislative
8 Oversight Committee and the governor. The Legislative Oversight
9 Committee shall comment on and make recommendations regarding any
10 concerns or adjustments to the transition plan the committee
11 determines appropriate. The executive director, the commissioner
12 of assistive and rehabilitative services, and the executive
13 commissioner may not finalize the transition plan until the
14 comments and recommendations of the committee regarding the
15 transition plan have been reviewed and considered.

16 (e) The department, commission, and Health and Human
17 Services Commission shall post on the agencies' respective Internet
18 websites:

- 19 (1) the transition plan developed under this section;
20 (2) any adjustments to the transition plan recommended
21 by the Legislative Oversight Committee;
22 (3) a statement regarding whether the recommended
23 adjustments were adopted or otherwise incorporated; and
24 (4) if a recommended adjustment was not adopted, the
25 justification for not adopting the adjustment.

26 (f) This section expires September 1, 2019.

27 (b) Not later than October 1, 2015:

1 (1) the lieutenant governor, the speaker of the house
2 of representatives, and the governor shall make the appointments to
3 the Legislative Oversight Committee as required by Section
4 351.0021, Labor Code, as added by this section; and

5 (2) the lieutenant governor and the speaker of the
6 house of representatives shall each designate a presiding co-chair
7 of the Legislative Oversight Committee in accordance with Section
8 351.0021, Labor Code, as added by this section.

9 (c) This section takes effect only if S.B. No. 200, 84th
10 Legislature, Regular Session, 2015, or similar legislation of the
11 84th Legislature, Regular Session, 2015:

12 (1) does not become law; or

13 (2) is enacted and becomes law, but does not provide
14 for the establishment of a Health and Human Services Transition
15 Legislative Oversight Committee to facilitate the consolidation of
16 the health and human services system in this state.

17 SECTION 27. (a) Section 531.0203, Government Code, as
18 added by S.B. No. 200, 84th Legislature, Regular Session, 2015, is
19 amended by adding Subsection (d-1) to read as follows:

20 (d-1) The commissioner of assistive and rehabilitative
21 services and the executive director of the Texas Workforce
22 Commission serve as ex officio, nonvoting members of the committee
23 in addition to the executive commissioner. This subsection expires
24 August 31, 2019.

25 (b) Chapter 351, Labor Code, as added by this Act, is
26 amended by adding Sections 351.0021 and 351.0022 to read as
27 follows:

1 Sec. 351.0021. ADDITIONAL DUTIES OF HEALTH AND HUMAN
2 SERVICES TRANSITION LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this
3 section, "committee" means the Health and Human Services Transition
4 Legislative Oversight Committee established under Section
5 531.0203, Government Code.

6 (b) In addition to the requirements of Section 531.0203(h),
7 Government Code, the committee shall:

8 (1) facilitate the transfer of vocational
9 rehabilitation services and other services and programs under this
10 subtitle with, to the greatest degree possible, no negative effect
11 on the delivery of services to clients; and

12 (2) advise the executive director, the commissioner of
13 assistive and rehabilitative services, and the executive
14 commissioner concerning:

15 (A) the services and programs to be transferred
16 under this subtitle and the funds and obligations that are related
17 to the services and programs; and

18 (B) the transfer of the services and programs and
19 related records, property, funds, and obligations from the
20 department to the commission as provided by this subtitle.

21 (c) In addition to the requirements for the report specified
22 by Section 531.0203(j), Government Code, the committee shall
23 include in the report under that subsection an update on the
24 progress of and issues related to the transfer of vocational
25 rehabilitation services and other services and programs under this
26 subtitle from the department to the commission, including the need
27 for any additional statutory changes required to complete the

1 transfer of services and programs to the commission in accordance
2 with this subtitle.

3 (d) This section expires September 1, 2019.

4 Sec. 351.0022. TRANSITION PLAN. (a) In addition to the
5 requirements under Section 531.0204, Government Code, the
6 executive commissioner shall work with the executive director and
7 the commissioner of assistive and rehabilitative services to ensure
8 the transition plan under that section includes a plan for the
9 transfer of vocational rehabilitation services and other services
10 and programs from the department to the commission that ensures the
11 transfer is accomplished in a careful and deliberative manner.
12 Specifically, the transition plan must include:

13 (1) the specific steps and methods for the transfer or
14 disposition of all obligations, rights, contracts, leases,
15 records, property, and funds, including unexpended and unobligated
16 appropriations, relating to the services and programs transferred
17 from the department to the commission under this subtitle,
18 including the plans for leased office or building space and the
19 transition of data and information technology systems supporting
20 the services and programs;

21 (2) the identification of all full-time equivalent
22 employee positions that are associated with the department's
23 administration of the services and programs to be transferred to
24 the commission, including the full-time equivalent employee
25 positions that are associated with the Health and Human Services
26 Commission's administrative support of those transferring services
27 and programs;

1 (3) measures to ensure that unnecessary disruption to
2 the provision of transferred services and programs does not occur;

3 (4) a strategy for integrating the department's
4 vocational rehabilitation staff into the commission's local
5 workforce development boards and centers as required by Section
6 351.004;

7 (5) a strategy for integrating vocational
8 rehabilitation programs for individuals with visual impairments
9 and for individuals with other disabilities as required by Section
10 352.101;

11 (6) a schedule for implementing the transfer of the
12 services and programs; and

13 (7) a strategy for exchanging data with other state
14 agencies that refer clients for vocational rehabilitation
15 services.

16 (b) To the extent allowed by federal law, public hearings
17 held under Section 531.0204(c), Government Code, if appropriate,
18 may be combined with other public hearings required under federal
19 law in relation to the adoption of a state plan for vocational
20 rehabilitation services.

21 (c) The plan for the transfer of vocational rehabilitation
22 services and other services and programs required by this section
23 must be included as part of the transition plan submitted to the
24 Health and Human Services Transition Legislative Oversight
25 Committee, the governor, and the Legislative Budget Board under
26 Section 531.0204(e), Government Code, by the date prescribed by
27 that subsection. In addition, the plan must be separately

1 submitted to that committee and the governor as soon as practicable
2 after September 1, 2015. The committee shall comment on the plan in
3 conjunction with making comments on the transition plan as required
4 by Section 531.0204(e), Government Code.

5 (d) If in making comments and recommendations on the
6 transition plan under Section 531.0204(e), Government Code, the
7 Health and Human Services Transition Legislative Oversight
8 Committee has comments, concerns, or recommendations regarding the
9 elements of the plan required by this section, the committee shall
10 provide those comments, concerns, and recommendations to the
11 executive director and the commissioner of assistive and
12 rehabilitative services in addition to the executive commissioner.
13 The executive director, the commissioner of assistive and
14 rehabilitative services, and the executive commissioner may not
15 finalize the plan required by this section until the comments,
16 concerns, and recommendations of the committee specifically
17 regarding that plan have been reviewed and considered.

18 (e) This section expires September 1, 2019.

19 (c) Not later than October 1, 2015, the lieutenant governor,
20 the speaker of the house of representatives, and the governor shall
21 make the additional appointments to the Health and Human Services
22 Transition Legislative Oversight Committee required by Section
23 531.0203(d-1), Government Code, as added by this section.

24 (d) This section takes effect only if S.B. No. 200, 84th
25 Legislature, Regular Session, 2015:

26 (1) is enacted and becomes law; and

27 (2) provides for the establishment of a Health and

1 Human Services Transition Legislative Oversight Committee to
2 facilitate the consolidation of the health and human services
3 system in this state.

4 SECTION 28. Chapter 94, Human Resources Code, as amended by
5 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015,
6 is transferred to Subtitle C, Title 4, Labor Code, as added by this
7 Act, redesignated as Chapter 355, Labor Code, and amended to read as
8 follows:

9 CHAPTER 355 [~~94~~]. VENDING FACILITIES OPERATED BY BLIND PERSONS

10 Sec. 355.001 [~~94.001~~]. DEFINITIONS. In this chapter:

11 (1) "Blind person" means a person having not more than
12 20/200 visual acuity in the better eye with correcting lenses or
13 visual acuity greater than 20/200 but with a limitation in the field
14 of vision such that the widest diameter of the visual field subtends
15 an angle no greater than 20 degrees.

16 [~~(1-a) "Department" means the Department of Assistive
17 and Rehabilitative Services.~~

18 [~~(1-b) "Executive commissioner" means the executive
19 commissioner of the Health and Human Services Commission.~~]

20 (2) "Vending facility" means a facility in which food,
21 drinks, drugs, novelties, souvenirs, tobacco products, notions, or
22 related items are sold regularly. The term excludes facilities
23 consisting solely of vending machines that do not compete directly
24 or indirectly with a facility that is or could be operated by a
25 person with a disability.

26 (3) "State property" means land and buildings owned,
27 leased, or otherwise controlled by the state.

1 (4) "Agency" means the state agency in charge of state
2 property.

3 (5) "Disability" means a physical or mental condition
4 that the commission [~~department~~] determines to constitute a
5 substantial vocational disadvantage.

6 Sec. 355.002 [~~94.002~~]. LICENSE OR PERMIT REQUIRED. (a) No
7 person may operate a vending facility or a facility with vending
8 machines or other coin-operated devices on state property unless
9 the person is licensed to do so by the commission [~~department~~] or is
10 authorized to do so by an agency granted a permit to arrange for
11 vending facilities.

12 (b) Subsection (a) does not apply to a building in which the
13 Texas Facilities Commission leases space to a private tenant under
14 Subchapter E, Chapter 2165, Government Code.

15 Sec. 355.003 [~~94.003~~]. LICENSING PROCEDURE. (a) On its
16 own initiative or at the request of an agency that controls state
17 property, the commission [~~department~~] shall survey the property, or
18 blueprints and other available information concerning the
19 property, to determine whether the installation of a vending
20 facility is feasible and consonant with the commission's
21 [~~department's~~] vocational rehabilitation objectives.

22 (b) If the installation of the facility is feasible, the
23 commission [~~department~~] shall either license a blind person to
24 operate a facility to be installed by the commission [~~department~~]
25 or install a facility to be operated by a person with a disability
26 who is not blind according to rules and procedures adopted by the
27 commission [~~executive commissioner~~].

1 Sec. 355.004 [~~94.004~~]. LOCATION OF VENDING FACILITIES.

2 (a) With the concurrence of the agency in charge of state
3 property, the commission [~~department~~] shall designate the location
4 of vending facilities that have been requested by the agency.

5 (b) The agency responsible for state property shall alter
6 the property to make it suitable for the proper operation of the
7 vending facilities. To this end, the agency in charge of
8 constructing new state property shall consult with the commission
9 [~~department~~] during the planning stage on the construction.

10 Sec. 355.005 [~~94.005~~]. ISSUANCE OF LICENSES; ELIGIBILITY.

11 (a) The commission [~~department~~] may issue a license to operate its
12 vending facilities on state property to blind citizens of the state
13 who are capable of operating the facilities in a manner that is
14 reasonably satisfactory to all parties concerned.

15 (b) Before issuing a license to a person, the commission
16 [~~department~~] shall determine whether the person has the physical,
17 psychological, and personal traits and abilities required to
18 operate a vending facility in a satisfactory manner.

19 (c) The commission [~~department~~] shall maintain a roster of
20 the names of each person who has been certified as suitable for
21 licensing. If two or more equally qualified persons are listed on
22 the roster and apply for a license to operate an available vending
23 facility, the commission [~~department~~] shall issue the license to
24 the person who is most in need of employment.

25 (d) The granting of a license does not vest the licensee
26 with property or other rights which may constitute the basis of a
27 cause of action, at law or in equity, against the state or its

1 officers or employees.

2 Sec. 355.006 [~~94.006~~]. EXPIRATION, RENEWAL, AND REVOCATION
3 OF LICENSES. (a) A license or general permit to operate a vending
4 facility on state property is valid for a period of three years from
5 the date it is issued.

6 (b) The commission [~~department~~] shall review each license
7 or permit prior to its expiration and shall issue a new or different
8 license or permit as the circumstances warrant.

9 (c) The commission [~~department~~] and the agency may consent
10 mutually to revoke a general permit prior to its expiration if
11 changed circumstances warrant that action.

12 (d) A blind person's wilful failure to comply with the
13 commission's [~~department's~~] rules or the provisions of this chapter
14 constitutes grounds for the automatic revocation of the person's
15 license.

16 (e) The commission [~~executive commissioner~~] shall adopt
17 substantive and procedural rules governing the revocation of
18 licenses.

19 Sec. 355.007 [~~94.007~~]. OPERATION OF VENDING FACILITIES BY
20 CERTAIN PERSONS WHO ARE NOT BLIND. If the commission [~~department~~]
21 determines that a blind person could not properly operate a vending
22 facility at a particular location, the commission [~~department~~] may
23 survey the property to determine whether a person with a disability
24 that is not of a visual nature could operate the facility in a
25 proper manner.

26 Sec. 355.008 [~~94.008~~]. CLOSING CERTAIN FACILITIES
27 PROHIBITED. Neither a vending facility operated by an individual

1 with a disability, nor a vending facility location surveyed by the
 2 commission [~~department~~], may be closed as a result of the transfer
 3 of state property from one agency to another, the alteration of a
 4 state building, or the reorganization of a state agency unless the
 5 commission [~~department~~] agrees to the closing.

6 Sec. 355.009 [~~94.009~~]. EMPLOYMENT OF ASSISTANTS. (a) If
 7 an individual licensed to operate a vending facility on state
 8 property requires an assistant, a qualified person with a
 9 disability of a visual nature must be given preference for
 10 employment. If the commission [~~department~~] determines that a
 11 person with a disability of a visual nature could not perform the
 12 labor for which an assistant is required, or if a person with a
 13 disability of a visual nature is not available, a person with a
 14 disability that is not of a visual nature must be given preference
 15 for employment. [~~If no person with a disability is available for~~
 16 ~~the job, preference must be given to a person who is socially,~~
 17 ~~culturally, economically, or educationally disadvantaged.~~]

18 (b) An assistant employed by a blind person licensed by the
 19 commission [~~department~~] must be approved by the commission
 20 [~~department~~], and the deliberate refusal of a blind licensee to
 21 comply with this section constitutes grounds for the revocation of
 22 the person's [~~his or her~~] license.

23 Sec. 355.010 [~~94.010~~]. COMPETING VENDING MACHINES.
 24 (a) If the commission [~~department~~] and an agency agree to the
 25 installation and operation of an additional vending facility or
 26 vending machine on property that already has a commission-sponsored
 27 [~~department-sponsored~~] vending facility, no additional permit or

1 license is required. However, the installation of a competing
2 vending facility consisting of vending machines or other
3 coin-operated devices must be authorized by the commission
4 [~~department~~]. The commission's [~~department's~~] authorization must
5 be made with a view toward providing the greatest economic benefits
6 for blind persons consonant with supplying the additional services
7 required at the building.

8 (b) State agencies shall cooperate and negotiate in good
9 faith to accomplish the purposes of this chapter.

10 (c) Individuals with disabilities who operate vending
11 facilities on state property are entitled to receive all
12 commissions from vending machines installed on the same property.
13 If two or more vending facilities are operated by individuals with
14 disabilities in a building in which vending machines are installed,
15 the commission [~~department~~] shall divide the commissions from the
16 vending machines among the operators with disabilities in a manner
17 that will achieve equity and equality in the incomes of those
18 operators. If the commission [~~department~~] has decided not to
19 locate a vending facility in a building, the agency to whom a
20 general permit has been issued shall determine the assignment of
21 the commissions from vending machines installed in the building.

22 Sec. 355.011 [~~94.011~~]. VENDING FACILITY EQUIPMENT AND
23 STOCK. (a) The commission [~~department~~] may supply a blind vending
24 facility operator with equipment and initial stock necessary for
25 the operator to begin business.

26 (b) The commission [~~department~~] shall collect and set aside
27 from the proceeds of the operation of its vending facilities enough

1 money:

2 (1) to insure a sufficient amount of initial stock for
3 the facilities and for their proper maintenance;

4 (2) to pay the costs of supervision and other expenses
5 incidental to the operation of the facilities; and

6 (3) to pay other program costs to the extent necessary
7 to assure fair and equal treatment of the blind persons licensed to
8 operate the facilities and to the extent allowed under federal
9 programs that provide financial support to the commission
10 [~~department~~].

11 (c) Except for purchasing and installing original
12 equipment, the operation of commission-sponsored
13 [~~department-sponsored~~] vending facilities must be as
14 self-supporting and self-sustaining as possible. To achieve this
15 end, the commission [~~department~~] shall periodically review and,
16 when necessary, revise its schedules for collecting and setting
17 aside money from the proceeds of its vending facilities.

18 Sec. 355.012 [~~94.012~~]. DUTIES AND PRIVILEGES OF PARTIES.

19 (a) The commission [~~executive commissioner~~] may promulgate rules
20 and [~~the department may~~] initiate procedures necessary to implement
21 this chapter.

22 (b) A blind person licensed to operate a vending facility on
23 state property shall operate the facility in accordance with law
24 and the commission's [~~department's~~] rules and policies.

25 (c) The agency in charge of state property shall cooperate
26 with the commission [~~department~~] and its blind licensees to
27 accomplish the purposes of this chapter. The agency shall also

1 furnish all necessary utility service, including connections and
2 outlets required for the installation of the facility, janitorial
3 and garbage disposal services where feasible, and other related
4 assistance.

5 Sec. 355.013 [~~94.013~~]. TRAINING PROGRAMS. The commission
6 [~~department~~] may establish training or experimentation locations
7 necessary to train blind persons who desire to be licensed to
8 operate vending facilities and to develop techniques which will
9 allow blind persons to operate the facilities or related types of
10 small businesses more efficiently and productively.

11 Sec. 355.014 [~~94.014~~]. CONFORMITY WITH FEDERAL STATUTES.
12 (a) This chapter shall be construed in a manner consistent with
13 the requirements of federal programs that provide financial
14 assistance to the commission [~~department~~].

15 (b) If a provision of this chapter conflicts with a federal
16 program requirement, the commission [~~department~~] may waive or
17 modify the provision to the extent necessary to secure the full
18 benefits of the federal program.

19 Sec. 355.015 [~~94.015~~]. APPLICATION OF CHAPTER. (a) This
20 chapter does not apply to:

21 (1) property over which the federal government
22 maintains partial or complete control;

23 (2) property maintained and operated by
24 state-supported institutions of higher education; provided,
25 however, that the commission [~~department~~] may enter into agreements
26 with state institutions of higher education concerning the use of
27 blind labor in vending facilities at the institutions; or

1 (3) property purchased by the state or an agency of the
2 state, property to which title is transferred from one state agency
3 to another, or property control of which is transferred from one
4 state agency to another, if:

5 (A) at the time of purchase or transfer of title
6 or control, a vending facility is being operated on the property
7 under lease, license, or contract; and

8 (B) prior to the time of purchase or transfer of
9 title or control, the provisions of this chapter were rendered
10 inapplicable to such property by this section or other law.

11 (b) This chapter does not apply to vending facilities
12 operated by an institution for persons with mental illness or
13 intellectual disabilities that is under the control of the
14 Department of State Health Services, the Department of Aging and
15 Disability Services, or a successor to one of those departments, if
16 the vending facilities are operated without profit for the benefit
17 of the patients at the institution.

18 (c) This chapter does not prohibit the commission
19 [~~department~~] from selecting blind persons to operate other suitable
20 types of vending facilities or business enterprises, and the
21 chapter does not prohibit the installation of automated vending
22 facilities serviced by blind persons.

23 Sec. 355.016 [~~94.016~~]. BUSINESS ENTERPRISES PROGRAM.

24 (a) The commission [~~department~~] is authorized to administer the
25 Business Enterprises Program in accordance with the provisions of
26 the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.).

27 (b) The commission [~~department~~] is authorized to administer

1 a retirement program for individuals licensed to operate vending
2 facilities in accordance with applicable state and federal laws.

3 (c) A trust fund for a retirement program for individuals
4 licensed to operate vending facilities under the Business
5 Enterprises Program is established with the comptroller. This
6 trust fund will be set up in the state treasury.

7 (d) All federal vending machine income shall be credited to
8 this Business Enterprises Program trust fund. Vending machine
9 income, as defined by 34 C.F.R. Section 395.1(z), means receipts
10 (other than those of a blind vendor) from vending machine
11 operations on federal property, after deducting the cost of goods
12 sold (including reasonable service and maintenance costs) in
13 accordance with customary business practices of commercial vending
14 concerns, where the machines are operated, serviced, or maintained
15 by, or with the approval of, a department, agency, or
16 instrumentality of the United States, or commissions paid (other
17 than to a blind vendor) by a commercial vending concern which
18 operates, services, and maintains vending machines on federal
19 property for, or with the approval of, a department, agency, or
20 instrumentality of the United States.

21 (e) All expenditures authorized by the Randolph-Sheppard
22 Act from federal vending revenue funds shall be paid from the
23 Business Enterprises Program trust fund.

24 (f) The commission [~~department~~] may contract with a
25 professional management service to administer the Business
26 Enterprises Program trust fund. In administering the trust fund,
27 the professional management service may acquire, exchange, sell, or

1 retain any kind of investment that a prudent investor, exercising
2 reasonable care, skill, and caution, would acquire, exchange, sell,
3 or retain under the circumstances, taking into consideration the
4 investment of all the assets of the trust fund.

5 (g) With the approval of the comptroller, the commission
6 [~~department~~] may select a commercial bank, depository trust
7 company, or other entity to serve as a custodian of the Business
8 Enterprises Program trust fund's securities, and money realized
9 from those securities, pending completion of an investment
10 transaction. Money realized from those securities must be:

11 (1) reinvested not later than one business day after
12 the date it is received; or

13 (2) deposited in the treasury not later than the fifth
14 business day after the date it is received.

15 SECTION 29. Section 301.0015, Property Code, is amended to
16 read as follows:

17 Sec. 301.0015. TEXAS WORKFORCE COMMISSION [~~CIVIL RIGHTS~~
18 ~~DIVISION~~]. The powers and duties exercised by the Commission on
19 Human Rights under this chapter are transferred to the Texas
20 Workforce Commission [~~civil rights division~~]. A reference in this
21 chapter to the "commission" means the Texas Workforce Commission
22 [~~civil rights division~~].

23 SECTION 30. The following provisions, including provisions
24 amended by, or redesignated and amended by, S.B. No. 219, Acts of
25 the 84th Legislature, Regular Session, 2015, are repealed:

26 (1) Subchapter F, Chapter 419, Government Code;

27 (2) Section 91.016(e), Human Resources Code;

- 1 (3) Section 111.016, Human Resources Code;
- 2 (4) Section 111.061, Human Resources Code;
- 3 (5) Section 117.058, Human Resources Code;
- 4 (6) Subchapters E and F, Chapter 117, Human Resources
- 5 Code; and
- 6 (7) Sections 301.151(3) and 301.152, Labor Code.

7 SECTION 31. (a) Except as provided by Subsection (b) of
8 this section, not later than September 1, 2016, the Texas Workforce
9 Commission shall adopt all rules, policies, and procedures required
10 by the changes in law made by this Act.

11 (b) Not later than September 1, 2017, the Texas Workforce
12 Commission shall adopt all rules, policies, and procedures required
13 by Subtitle C, Title 4, Labor Code, as added by this Act.

14 (c) Section 301.157, Labor Code, as added by this Act,
15 applies beginning with the annual report submitted to the governor
16 and the legislature by the Texas Workforce Commission that covers
17 the state fiscal year ending August 31, 2015.

18 SECTION 32. On the effective date of this Act, the human
19 rights commission that governed the Texas Workforce Commission
20 civil rights division under Section 301.153, Labor Code, before the
21 effective date of this Act is abolished. The validity of an action
22 taken by the human rights commission before that date is not
23 affected by the abolition. The changes in law made by this Act do
24 not affect a case or proceeding pending under Chapter 21, Labor
25 Code, or Chapter 301, Property Code, on the effective date of this
26 Act.

27 SECTION 33. (a) On September 1, 2016, subject to receipt

1 of federal approval, if required, for the Texas Workforce
2 Commission to administer vocational rehabilitation services and
3 other services and programs under Subtitle C, Title 4, Labor Code,
4 as added by this Act:

5 (1) those services and programs and related powers,
6 duties, functions, and activities, including rulemaking authority,
7 are transferred to the Texas Workforce Commission;

8 (2) all obligations and contracts of the Department of
9 Assistive and Rehabilitative Services that are related to a
10 transferred service or program are transferred to the Texas
11 Workforce Commission;

12 (3) all property and records in the custody of the
13 Department of Assistive and Rehabilitative Services, including
14 information technology systems, that are related to a transferred
15 service or program and all funds appropriated by the legislature
16 and other money for the service or program shall be transferred to
17 the Texas Workforce Commission; and

18 (4) all complaints, investigations, or contested
19 cases that are pending before the Department of Assistive and
20 Rehabilitative Services that are related to a transferred service
21 or program are transferred without change in status to the Texas
22 Workforce Commission.

23 (b) After a transfer of services and programs occurs under
24 Subsection (a) of this section, a rule or form adopted by the
25 executive commissioner of the Health and Human Services Commission
26 or by the Department of Assistive and Rehabilitative Services, as
27 applicable, that relates to a transferred service or program is a

1 rule or form of the Texas Workforce Commission and remains in effect
2 until altered by the Texas Workforce Commission.

3 (c) After a transfer of services and programs occurs under
4 Subsection (a) of this section, a reference in law to the executive
5 commissioner of the Health and Human Services Commission or the
6 Department of Assistive and Rehabilitative Services that relates to
7 a transferred service or program means the Texas Workforce
8 Commission.

9 (d) After a transfer of services and programs occurs under
10 Subsection (a) of this section, a license, permit, or certification
11 in effect that was issued by the Department of Assistive and
12 Rehabilitative Services and that relates to a transferred service
13 or program is continued in effect as a license, permit, or
14 certification of the Texas Workforce Commission.

15 SECTION 34. (a) As soon as practicable after the effective
16 date of this Act, the Texas Workforce Commission and the Health and
17 Human Services Commission, in consultation with the Texas
18 Facilities Commission, shall develop a plan for leased office or
19 building space where staff that will be affected by the transfer of
20 the administration of services and programs to the Texas Workforce
21 Commission under this Act are located. The plan developed under
22 this section must:

23 (1) identify all leased office or building space where
24 staff that will be affected by the transfers are located or
25 co-located;

26 (2) identify the term and costs of each existing
27 lease;

1 (3) identify the feasibility of canceling a lease or
2 consolidating office or building space based on the factors set out
3 in state law, including the General Appropriations Act;

4 (4) identify the location of each leased office or
5 building space and its proximity to relevant client populations;
6 and

7 (5) include a recommendation for either the
8 cancellation or continued use of each leased office or building
9 space based on the best values for the state.

10 (b) The plan for leased office or building space required by
11 Subsection (a) of this section must be included in the transition
12 plan as specified by Section 351.0022, Labor Code, as added by this
13 Act.

14 SECTION 35. (a) As soon as practicable after the effective
15 date of this Act, but not later than October 1, 2015, the Health and
16 Human Services Commission, the Department of Assistive and
17 Rehabilitative Services, and the Texas Workforce Commission shall
18 complete the development of a plan for transitioning data and
19 information technology systems that support the administration of
20 services and programs under Subtitle C, Title 4, Labor Code, as
21 added by this Act, from the Department of Assistive and
22 Rehabilitative Services and the Health and Human Services
23 Commission to the Texas Workforce Commission. The Legislature
24 finds that planning for the timely and successful transition of
25 data and information technology systems is essential to the
26 administration of these services and programs.

27 (b) The plan developed under this section must:

1 (1) identify the purpose or need for each of the data
2 and information technology systems;

3 (2) identify how the data and information technology
4 systems will be used;

5 (3) identify the date the data and information
6 technology system will be shared with the Texas Workforce
7 Commission;

8 (4) identify the persons or classes of persons at each
9 agency who require access to information to implement the plan;

10 (5) require the appropriate privacy and security
11 controls for access;

12 (6) limit the disclosure of personal information to
13 the minimum amount necessary to accomplish the purpose of the plan;
14 and

15 (7) to the extent federal approval is required to
16 implement any part of the plan, require the agencies to obtain the
17 required federal approvals before implementing that part of the
18 plan.

19 (c) Notwithstanding any other law, not later than October 1,
20 2015, the agencies shall share information as needed to implement
21 the plan developed under this section, subject to the plan's
22 requirements and execution of all agreements necessary to ensure
23 the privacy, security, and confidentiality of the information.

24 (d) The agencies shall coordinate activities under the plan
25 as needed to reflect any changes in circumstances or direction.

26 (e) The plan for transitioning data and information
27 technology systems that support the administration of services and

1 programs under Subtitle C, Title 4, Labor Code, as added by this
2 Act, required by Subsection (a) of this section must be included in
3 the transition plan as specified by Section 351.0022, Labor Code,
4 as added by this Act.

5 SECTION 36. The Department of Assistive and Rehabilitative
6 Services and the Texas Workforce Commission shall actively seek any
7 required federal approval to transfer the administration of
8 services and programs under Subtitle C, Title 4, Labor Code, as
9 added by this Act, from the department to the commission on
10 September 1, 2016.

11 SECTION 37. Except as otherwise provided by this Act, this
12 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 208 passed the Senate on May 11, 2015, by the following vote: Yeas 25, Nays 6; and that the Senate concurred in House amendments on May 29, 2015, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 208 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor